



Basingstoke and Deane Borough Council
Licensing Act 2003 – Best practice guidance
documents for licensed premises

Relevant to premises licensed for the sale of alcohol for consumption off the premises only

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This guide provides examples of best practice documents and templates to assist premises licence holders and designated premises supervisors and to ensure compliance with the requirements of the Licensing Act 2003.

The enclosed templates provide guidance only and should be amended to reflect the operating procedures of each premises. Templates are not exhaustive and may require updating following changes or updates to legislation.

The enclosed templates are defined as 'best practice' guidance documents however, where the requirement for a written age verification policy, DPS authorisations, refusals/incident log or staff training records forms part of your premises licence conditions failure to comply with such requirements may constitute a breach of your premises licence conditions which is an offence under section 136 of the licensing act 2003.

Please ensure that you read your premises licence conditions listed at Part A Annex 2 and 3 of your premises licence summary to ensure you fully understand the terms of your premises licence.

Should you have any questions regarding the contents of this guide please contact licensing@basingstoke.gov.uk or call (01256) 844844.

Designated Premises Supervisor (DPS) sale of alcohol staff authorisation

I,, DPS of

.....
hereby authorise the following persons to sell alcohol under the Licensing Act 2003 on these premises at any time during the permitted hours and in accordance with the premises licence. This authority applies whether or not I, or any other Personal Licence holder, are present on the premises at the time of the sale or supply of alcohol. I can confirm these persons have been made aware of his/her legal responsibilities under the Act.

Signed:_____ Print Name:_____ Date:_____

We sign below in the knowledge that it is an offence to:

- Knowingly sell, attempting to sell or allowing sale of alcohol to person who is drunk.
- Sell alcohol to a person under 18 years of age.
- Allow licensable activities to be conducted otherwise than in accordance with the premises licence and the conditions it contains.

I also understand that I require individuals who appear to me to be under *18 years of age (or any older age as may be specified in the premises licence holders age verification policy)* to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Signed:_____ Print Name:_____ Date:_____

Signed:_____ Print Name:_____ Date:_____

Signed:_____ Print Name:_____ Date:_____

Signed:_____ Print Name:_____ Date:_____

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Signed:_____ Print Name:_____ Date:_____

Signed:_____ Print Name:_____ Date:_____

Signed:_____ Print Name:_____ Date:_____

TIPS

- DPS authorisations should clearly identify the individual and what they are authorised for.
- Staff should be aware of the authorisation and understand their responsibilities under the Licensing Act 2003 before agreeing to be authorised.
- By signing the authorisation staff are confirming that they have participated in and fully understand training material.
- Staff should be able to produce the written authorisation on request to an authorised officer.
- It is important that any such authorisation is updated regularly, say every 3 months.
- A suggested text of written authorisation is listed above for information. You may wish to adjust this accordingly and insert the actual age within your age verification policy (Challenge 21, Challenge 25 etc).

TIPS

- All refusals/incidents should be recorded in a specific 'Refusal/Incident Book'.
- Maintaining a Refusal/Incident Book is an example of "due diligence".
- It is considered good practice for the log to be checked, signed and dated by the DPS on a weekly basis to monitor staff members implementation of their training and the premises age verification policy.
- The above table is an example only and can be updated or adapted as required.

TABLE OF OFFENCES – LA2003

SECTION	OFFENCE	OFFENDER	PENALTY LEVEL 1-5 FINES LEVEL 1 - £250 LEVEL 2 - £500 LEVEL 3 - £1,000 LEVEL 4 - £2,500 LEVEL 5 - £5,000 PENALTY NOTICE FOR DISORDER (PND)
Premises Licences			
33(6)	Failure to notify licensing authority of change in name or address	Premises licence holder	Level 2 fine
57(4)	Failure to keep premises licence or certified copy at the premises	Premises licence holder	Level 2 fine
57(4)	Failure to display summary of premises licence or certified copy and notice specifying any nominated person	Premises licence holder	Level 2 fine
57(7)	Failure to produce premises licence or certified copy to authorised person for examination	Premises licence holder or nominated person	Level 2 fine
59(5)	Intentional obstruction of authorised person exercising power of inspection prior to grant, variation or review of premises licence or issuing or provisional statement	Any person	Level 2 fine
General Offences			
136(1)	Knowingly allowing or carrying on unauthorised licensable activities	Any person (exceptions: s 134(2))	6 months' imprisonment and/or unlimited fine
137(1)	Unauthorised exposure for sale of alcohol	Any person	6 months' imprisonment and/or £20,000 fine
138(1)	Unauthorised possession of alcohol with intent to sell or supply	Any person	Level 2 fine
140(1)	Knowingly allowing disorderly conduct on premises with premises licence, CPC or TEN	Any person authorised to prevent	Level 3 fine
141(1)	Knowingly selling, attempting to sell or allowing sale, or supplying, attempting to supply or allowing supply, of alcohol to person who is drunk	Any person authorised to prevent	Level 3 fine or PND £90
142(1)	Knowingly obtaining or attempting to obtain alcohol for consumption by person who is drunk	Any person	Level 3 fine
143(1)	Failure to leave premises with premises licence, CPC or TEN, or attempting to enter premises, by a person who is drunk or disorderly, following request by person in authority	Any person	Level 1 fine
144(1)	Knowingly keeping unlawfully imported goods on relevant premises	Any person authorised to prevent	Level 3 fine
158(1)	Knowingly or recklessly making	Any person	Level 5 fine

	false statement in connection with licensing application		
179(4)	Intentional obstruction of entry of authorised person to investigate unauthorised use of premises for licensable activity	Any person	Level 3 fine
Underage Offences			
145(1)	Knowingly allowing unaccompanied child under 16 on premises when open and used for sale or supply of alcohol for consumption there	Any person authorised to prevent	Level 3 fine
146(1)((2)(3)	Selling alcohol to person under 18 or supplying alcohol to club member or guest under 18	Any person or club	Unlimited fine or PND £90 (s 146(1) and (3))
147(1)(3)	Knowingly allowing sale of alcohol to person under 18 or knowingly allowing supply of alcohol to club member or guest under 18	Any person authorised to prevent	Unlimited fine
147A(1)	Unlawful sale of alcohol on 3 or more different occasions on same premises within period of 3 consecutive months	Premises licence holder or premises user under a TEN	Unlimited fine
148(1)(2)	Sale or supply of liqueur confectionary to person under 16	Any person or a club	Level 2 fine
149(1)(3)(4)	Purchase or supply of alcohol by or on behalf of person under 18, or attempt to do so	Person under 18 or person purchasing on his behalf	Level 3 fine (person under 18) Level 5 fine (person on behalf of under 18) or PND £90
150(1)	Knowingly consuming alcohol on premises with premises licence, CPC or TEN when under 18	Person under 18	Level 3 fine
150(2)	Knowingly allowing consumption of alcohol by person under 18 on premises with premises licence, CPC or TEN	Person working at premises, member or officer of club who could have prevented	Unlimited fine or PND £60
151(1)(2)(4)	Delivering or allowing delivery to person under 18	Person working at premises, member or officer of club who could have prevented	Level 5 fine or PND £90 (s 151(1) and (2))
152(1)	Sending person under 18 to obtain alcohol for consumption off the premises	Any person	Level 5 fine
153(1)	Knowingly allowing person under 18 to sell or supply alcohol without approval on premises with premises licence, CPC or TEN	Premises licence holder, designated premises supervisor, or person over 18 authorised by either	Level 1 fine
160(4)	Knowingly keeping premises open or allowing premises to be kept open in breach of closure order in identified area	Any manager, premises licence holder, designated premises supervisor or premises user for temporary event	Level 3 fine
161(6)	Permitting identified premises to be kept open in breach of closure order	Any person	3 months' imprisonment and/or £20,000 fine
165(7)	Permitting premises to be kept open in breach of magistrates'	Any person	3 months' imprisonment and/or £20,000 fine

	court closure order		
168(8)	Allowing premises to be kept open in breach of closure order pending appeal against revocation of premises licence	Any person	3 months' imprisonment and/or £20,000 fine

Please Note: The details listed above in relation to offences, penalties, fines and PND's issued in line with the Licensing Act 2003 may be subject to change following updates to relevant legislation. For further information regarding Penalty Disorder Notices (PND's) please refer to the [Ministry of Justice Guidance](#).

TIPS

The person selling the alcohol:

By selling alcohol to a person who is under 18, it is **YOU** that commits the offence. You could receive a penalty notice of £90 or an unlimited fine if prosecuted.

The customer:

A customer who purchases alcohol for a person under 18, or attempts to do so, commits an offence. They could receive a penalty notice of £90 or a fine of up to £5,000 if prosecuted.

A customer who is under 18 and purchases alcohol or attempts to do so, or consumes alcohol on the premises also commits an offence. They could receive a penalty notice of £90 or a fine of up to £1,000 if prosecuted.

The licence holder:

Persistently selling of alcohol to children is defined as selling alcohol on the same premises to a person who is under 18 on two or more occasions within a single three month period. Currently there are three avenues by which action can be taken against premises to be persistently selling alcohol to children.

1. The licence holder, if prosecuted, can plead not guilty and go to court and if found guilty can be given an unlimited fine with up to 3 months suspension of the alcohol licence.
2. As an alternative to prosecution, the police or trading standards officers can give the licence holder the option to voluntarily accept a 48 hour closure notice rather than face criminal liability.
3. The police can make a representation to the relevant licensing authority to ask them to review the licence. This can also happen in addition to options 1 and 2.

Premises Age Verification Policy

This policy applies in relation to the sale or supply of alcohol on the following Premises:

Name and address of premises

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.....
.....

Name of premises licence holder

.....

Name of designated premises supervisor

.....

1. This policy applies in relation to the sale or supply of alcohol on these premises.
2. For this policy the responsible person is one of the following:
 - the holder of the premises licence;
 - the designated premises supervisor;
 - a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18
3. Staff serving alcohol on the premises must require any individuals who appear to the responsible person to be under the age of *18 years of age (or any older age as may be specified in the premises licence holders age verification policy)* to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature
4. Examples of appropriate identification include:
 - *A passport*
 - *A photo card driving licence*
 - *A proof of age card bearing the PASS hologram*
4. The designated premises supervisor will ensure that the supply of alcohol at the premises is carried on in accordance with this policy.

Signed.....
DESIGNATED PREMISES SUPERVISOR

5. The premises licence holder will ensure that staff are made aware of the existence and content of this policy.

Signed.....
PREMISES LICENCE HOLDER

TIPS

- In order to ensure compliance with the premises licence mandatory conditions the premises licence holder should take all reasonable steps to ensure that a proof of age policy is operated at their premises.
- The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- Staff must be aware of the scheme operated and be trained accordingly with written records kept of the training carried out.
- It is recommended the age verification policy that is carried out at the premises should be in writing and documented within any training or authorisations.
- Staff involved with the selling of alcohol should be aware of the policy's existence and content.
- The above example is a suggested text for an age verification policy, as per Home Office guidance. Text in italics should be adjusted accordingly to insert actual age and acceptable ID for the age verification policy operated at your premises.
- It is also recommended that appropriate signage is displayed detailing the age verification policy in operation at the premises. Free point of sale posters are widely available from various sources via the internet. Posters and further advice on responsible retailing and age restricted products can also be obtained from [Trading Standards](#) via their website.

TRAINING LOG

NAME:	
SUBJECT:	<ul style="list-style-type: none"> The Licensing Act 2003 The promotion of the licensing objectives The premises licence activities The premises licence conditions DPS Authorisations The premises age verification policy The refusals/incident book Offences under the Licensing Act 2003 How to deal with difficult customers Health and Safety in the workplace First Aid Emergency Evacuation Procedures
Relevant training material:	<p>General</p> <p><u>Section 182 Guidance Issued under the Licensing Act 2003</u></p> <p><u>Home Office Guidance on Mandatory Licensing Conditions</u></p> <p><u>Hampshire County Council Trading Standards</u></p> <p>Off licences- Convenience stores</p> <p><u>Association of Convenience Stores Preventing Underage Sales</u></p> <p><u>Hampshire County Council Trading Standards – Underage Retailer Pack</u></p>

Ihave read and fully understand the attached documents.

Date: Managers signature:

Training review dates:

Notes:					
Date:		Signature:		Managers signature:	

Notes:					
Date:		Signature:		Managers signature:	

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Date:		Signature:		Managers signature:	

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Date:		Signature:		Managers signature:	

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Date:		Signature:		Managers signature:	
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Notes:	
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TIPS

- All staff should be adequately trained to regarding their responsibilities under the Licensing Act 2003 to ensure compliance with the terms of the premises licence and demonstrate due diligence by the licence holder and DPS.
- It is recommended that staff sign training records to clarify they have participated in and fully understand training material.
- Subject matter should include include their understanding of the Licensing Act 2003, the promotion of the licensing objectives, relevant offences under the act, the company age verification policy and the use of the refusals/incident book. However, you may also wish to include additional topics for which staff are required to be trained under separate legislation such as health and safety, fire safety and first aid.
- Such records also support any DPS authorisations and show responsible management of the premises.
- It is recommended that refresher training is carried out and documented every six months.
- Training records should be made available to the police or local authority on request.